

Message Text

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TAGS: PINT, SP

SUBJ: GOVT SUBMITS BILL ON FREEDOM OF ASSEMBLY TO CORTES

REF: MADRID 1080

SUMMARY: FOLLOWING RESCISSION OF OBJECTIONABLE FEATURES OF ANTI-TERRORISM LAW, GOVT HAS NOW INITIATED POSITIVE POLITICAL REFORM WITH SUBMISSION OF BILL ON FREEDOM OF ASSEMBLY TO THE CORTES MARCH 1. ALTHOUGH GOVT RETAINS AUTHORITY TO CONTROL EXERCISE OF THIS FREEDOM WHEN IT THREATENS PUBLIC ORDER OR INVOLVES PROSCRIBED ORGANIZATIONS (E.G., COMMUNISTS), BILL
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WOULD PROVIDE A LEGAL BASIS FOR EFFECTIVE EXERCISE OF ACTIVITIES

WHICH FIRST POST-FRANCO GOVT HAS ALREADY ALLOWED MOST ORGANIZED GROUPS. END SUMMARY

1. GOVT BILL WOULD REGULATE EXERCISE OF THE RIGHT OF FREEDOM OF ASSEMBLY PROVIDED FOR IN THE SPANISH BILL OF RIGHTS ("FUERO DE LOS ESPANOLAS"), BUT HONORED, IN THE FRANCO ERA, MORE IN THE BREACH THAN IN THE OBSERVANCE. IT FIRST GOES TO THE COMMITTEE ON BASIC LAWS AND THE PRESIDENCY FOR STUDY (THE NEWLY NAMED CHAIRMAN IS FORMER OPUS DEI MINISTER OF FOREIGN AFFAIRS, LOPEZ BRAVO, WHOSE POLITICAL STAR IS ON THE RISE AGAIN).
2. BILL DISTINGUISHES BETWEEN PRIVATE AND PUBLIC ASSEMBLY; THE FORMER INCLUDES MEETINGS (FOR PRIVATE PURPOSES) IN A PRIVATE DOMICILE AND OF LEGAL ENTITIES SUCH AS CORPORATIONS RESERVED EXCLUSIVELY TO MEMBERS, THE LATTER, ALL OTHER PUBLIC MEETINGS WHETHER IN A CLOSED BUILDING OR IN A PUBLIC PLACE. THE BILL ADDRESSES ITSELF TO PUBLIC MEETINGS ONLY IF THEY INVOLVE MORE THAN 20 PEOPLE AND EXCLUDES MEETINGS OF A RELIGIOUS CHARACTER, FOR ELECTORAL PURPOSES, OF STUDENT ASSOCIATIONS AND OF SYNDICAL ORGANIZATIONS WHICH WILL BE REGULATED BY OTHER SPECIAL LAWS.
3. ALL PUBLIC MEETINGS MUST BE COMMUNICATED TO THE LOCAL CIVIL GOVERNOR WITH ALL PERTINENT DETAILS: 72 HOURS IN ADVANCE FOR MEETINGS IN CLOSED PREMISES AND TEN DAYS IN ADVANCE FOR MEETINGS IN PUBLIC PLACES. UNLESS INFORMED OTHERWISE BY GOVT AUTHORITIES THE SUBMISSION OF THE INFO IS CONSIDERED AS APPROVAL IN THE CASE OF MEETINGS IN CLOSED PREMISES; THE GOVT MUST DECIDE ON APPROVAL WITHIN FIVE DAYS OF ANY OPEN PUBLIC MEETINGS. CIVIL GOVERNOR HAS AUTHORITY TO PROHIBIT MEETINGS IN FOLLOWING INSTANCES: (A) LACK OF INFO ON ORIGINAL COMMUNICATION BY SPONSORS; (B) IF MEETING ITSELF IS ILLICIT IN ACCORDANCE WITH PENAL CODE'S DESCRIPTION OF ILLICIT ACTIVITIES; (C) WHEN MEETING, IF HELD, COULD CAUSE VIOLATION OF PENAL LAWS, AND (D) IF MEETING'S SPONSORS HAVE OUTSTANDING COURT SENTENCES AGAINST THEM.
4. UNLESS REQUESTED, GOVT REPS WOULD NOT NORMALLY BE PRESENT IN CLOSED PUBLIC MEETINGS ALTHOUGH GOVT RESERVES RIGHT TO LIMITED OFFICIAL USE

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HAVE AGENTS ATTEND AS OBSERVERS. WITH RESPECT TO OPEN PUBLIC MEETINGS OR DEMONSTRATIONS, GOVT MAY ALTER ITINERARY AND LIMIT ACCESS TO PUBLIC BUILDINGS, DIPLOMATIC OFFICES, AND MILITARY INSTALLATIONS. GOVT OR ITS AGENTS MAY SUSPEND MEETINGS WHICH DO NOT CONFORM WITH LAW'S PRESCRIPTIONS, WHICH ALTER ORIGINAL PLANS SUBSTANTIALLY, OR WHICH CAUSE PUBLIC DISTURBANCES. GOVT DECISIONS MAY BE APPEALED TO MINISTER OF THE INTERIOR AND, IF NOT RESOLVED ADMINISTRATIVELY, TO ADMIN-

ISTRATIVE COURTS.

5. THIS IS FIRST MAJOR PIECE OF LEGISLATION TO BE PROPOSED BY NEW GOVT TO CARRY OUT ONE OF THE RIGHTS ALREADY INSCRIBED IN BASIC LAWS. SINCE DECEMBER THE GOVT HAS ALLOWED ALMOST ANY KIND OF PUBLIC MEETINGS TO TAKE PLACE PROVIDING THAT IT DID NOT INVOLVE PROSCRIBED ORGANIZATIONS, E.G., COMMUNISTS, TERRORISTS, OR ANARCHISTS. THIS IS THE SECOND STEP ADOPTED BY THE NEW GOVT TO MODIFY THE LAWS; THE FIRST WAS THE DECISION -- ADOPTED BY A DECREE/LAW -- TO REMOVE MOST OBJECTIONABLE FEATURES OF THE UNPOPULAR ANTI-TERRORISM LAW OF AUGUST 1975 (REFTEL).

6. THIS BILL DEALS ONLY WITH THE RIGHT OF ASSEMBLY WHICH IS TREATD TOGETHER WITH THE RIGHT OF ASSOCIATION IN ARTICLE 16 OF THE BILL OF RIGHTS. THE RECENTLY FORMED COMMISSION FOR CONSTITUTIONAL REFORM REPORTEDLY HAS ALREADY PREPARED A DRAFT LAW WHICH WOULD SPELL OUT THE EXERCISE OF THE RIGHT OF ASSOCIATION. TOLMANY POLITICIANS, THESE TWO DRAFT LAWS, TOGETHER WITH A NEW ELECTORAL LAW AND REFORMS OF THE CORTES, CONSTITUTE THE CORE OF BASIC POLITICAL REFORMS. THE GOVT HAS BEGUN TO MOVE, THEREFORE, FROM SIMPLY A PERMISSIVE ATTITUDE TOWARDS POLITICAL ACTIVITY TO SPECIFIC LEGAL MEASURES WHICH WOULD GIVE GREATER GUARANTEES TO THE FREE EXERCISE OF SUCH ACTIVITY. HOW THE LAW COMES OUT OF THE CORTES AND THEN IS ADMINISTERED WILL, OF COURSE, BE IMPORTANT. BY MAINTAINING ITS ABILITY TO CONTROL OPEN PUBLIC MEETINS SUCH AS DEMONSTRATIONS UNDER THE NEW BILL THE GOVT APPARENTLY INTENDS TO AHVE FUTURE POLITICAL ACTIVITIES CHANNELED INTO RESPONSIBLE AND ORGANIZED GROUPS AND TO AVOID HAVING POLITICS DEGENERATE INTO DISORDERLY DEMONSTRATIONS.
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